

ORIGINAL

Decision No.

3664

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 Union Home Telephone and Telegraph)
 Corporation for an order extending)
 time for compliance with Chapter 499,) Application No. 2155
 Laws of 1911, as amended by Chapter)
 600, Laws of 1915.)

W. W. Butler for Union Home Telephone
 and Telegraph Corporation.
 J. Morgenthauer, H. G. Greene and C. W.
 McAlpin for Electric Workers.

THELEN and DEVLIN, Commissioners.

O P I N I O N

This is a petition for an order extending the
 time for compliance with the provisions of Chapter 499,
 Laws of 1911, as amended by Chapter 600, Laws of 1915,
 referring to the construction, reconstruction, maintenance
 and use of electric poles, wires, cables and appliances.

A public hearing in this proceeding was held in
 Los Angeles on July 18, 1916.

For a statement of the law governing proceedings
 of this character and of the principles guiding the Railroad
 Commission in its decision therein, reference is hereby made
 to the decision this day rendered in Application No. 2222,
 Los Angeles Gas and Electric Corporation et al.

Petitioner is engaged in managing, owning and
 operating the following subsidiary telephone companies:

Long Beach Home Telephone and Telegraph Company, located at Long Beach; Riverside Home Telephone and Telegraph Company, located at Riverside; San Bernardino Home Telephone and Telegraph Company, located at San Bernardino; Santa Ana Home Telephone and Telegraph Company, located at Santa Ana; Ventura Home Telephone and Telegraph Company, located at Ventura; and San Pedro Home Telephone and Telegraph Company, located at San Pedro.

Petitioner also owns and operates telephone exchanges at Highland, Anaheim, Colton, Fullerton, Wilmington and Rialto.

On the effective date of Chapter 499, Laws of 1911, the properties owned and operated xxx xxxxxx by petitioner failed to comply with the provisions of the statute, principally in the matter of the hanging of cables and vertical and horizontal clearances. Mr. L. M. Ellis, testifying in behalf of petitioner, stated that all construction and reconstruction subsequent to the effective date of Chapter 499, Laws of 1911, has been in accordance with the statute. No special effort has been made to reconstruct petitioner's system for the sole purpose of complying with the statute.

Subsequent to the hearing herein petitioner filed with the Railroad Commission a statement, in general terms, to the effect that an expenditure of at least \$25,000.00 will be necessary to remove all the violations of the statute on petitioner's property. No details of expenditures were given.

In the statement filed subsequent to the hearing, petitioner asks for an extension of five years, on the assumption that reconstruction is to take its normal course

without particular reference to the statute. As stated in our opinions in other proceedings of this character, we do not understand that the statute may properly be construed to permit this solution of the problem.

Petitioner's annual report for the year ending December 31, 1915, on file with the Railroad Commission, shows an alleged deficit for the year ending December 31, 1915, amounting to \$8,810.43.

After careful consideration of all the factors entering into the problem, we have reached the conclusion that an extension of time until June 30, 1919 should be granted to petitioner, on the conditions specified in the order herein.

We submit the following form of order:

O R D E R

Union Home Telephone and Telegraph Company having applied for an order extending the time within which to comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, and a public hearing having been held,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The time within which petitioner herein shall reconstruct its existing system so as to comply completely with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915, is hereby extended to and including June 30, 1919, on condition that at least one-third of the reconstruction work necessary to be done shall be completed on or before June 30, 1917, at least two-thirds on or before June 30, 1918, and the entire work on or before June 30, 1919.

2. At the times herein directed, petitioner shall file with the Railroad Commission, on forms to be supplied by the Railroad Commission, progress reports showing, in such detail as will be prescribed by the Railroad Commission, the extent to which the necessary reconstruction work has been performed during the period covered by the report and also the extent to which reconstruction work remains to be done in order that the property will comply with the provisions of Chapter 499, Laws of 1911, as amended by Chapter 600, Laws of 1915. The first report shall cover the period ending December 31, 1916, and shall be filed with the Railroad Commission within fifteen days subsequent thereto. The succeeding reports shall cover the succeeding six months' periods, respectively, and shall be filed on or before the expiration of fifteen days after the termination of each such succeeding period of six months.

The foregoing opinion and order are hereby approved and ordered filed as the opinion and order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 26th day of September, 1916.

Max Thelen
Abraham

Edwin U. Edgerton
Francis R. Dewey

Commissioners